

REMARKS

Claims 1-15, and 17-19 are currently pending. Claim 16 has been cancelled with its limitations incorporated into Claim 15.

Claim Rejections 35 USC § 112

The Examiner rejected Claims 1-10 and 13-15, under Section 112, first paragraph, alleging that the specification does not enable the claims. Specifically, the Examiner contends that the Applicants' specification is enabling for the specific thiazolidinedione compounds pioglitazone, rosiglitazone, and troglitazone, but is not enabling for any other specific thiazolidinedione compounds. In response, it is respectfully submitted that those of ordinary skill in the relevant art could readily apply the teachings of the current application to additional thiazolidinedione compounds, other than pioglitazone, rosiglitazone, and troglitazone.

Nonetheless, in order to expeditiously advance prosecution of this particular application, Applicants have herein amended independent Claims 1 and 15 to a Markush format to now specify that the thiazolidinedione compound acted upon is selected from the group consisting of pioglitazone, rosiglitazone, and troglitazone. In view of these amendments, it is submitted that the Examiner's rejections have been overcome and should be withdrawn.

The Examiner also alleged that Claims 1, 13-15, and 19 fail to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The Examiner specifically asserts it is unclear which species of thiazolidinedione is being referred to in the claims.

While Applicants disagree with the Examiner's assertion, the aforementioned amendments to independent Claims 1 and 15 make it abundantly clear that the thiazolidinedione compound being acted upon is selected from the group consisting of pioglitazone, rosiglitazone, and troglitazone. As such, the Examiner's objections to Claims 1 and 15 have been rendered moot. Claims 13-15 and 19 are dependant on Claims 1 and 15, respectively, the objections to these claims on the same grounds are also made moot and should be withdrawn.

In light of the foregoing, Applicants urge the Examiner to reconsider the application, to withdraw all rejections and objections, and to issue a Notice of Allowance at the earliest possible convenience.

In the event this response is not timely filed, Applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to our Deposit Account No 12-2355.

Respectfully submitted,
LUEDEKA, NEELY & GRAHAM, P.C.
By: /Mark S. Graham/
Mark S. Graham

Date: August 18, 2008

P.O. Box 1871
Knoxville, TN 37901
(865) 546-4305

E-FILING